

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY FEDIMORE,)	
)	
Petitioner,)	
v.)	Civil No. 08-46 Erie
DR. PETER LONGSTREET,)	
)	
Respondent.)	

MEMORANDUM ORDER

This matter has been referred to United States Magistrate Judge Susan Paradise Baxter in accordance with the Magistrates Act, 28 U.S.C. §§ 636 (b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge filed a Report and Recommendation on April 21, 2010 (Doc. No. 114), recommending that Defendant Dr. Peter Longstreet's Motion for Summary Judgment be granted, and Plaintiff's Motion for Summary Judgment be denied.

The parties were allowed fourteen (14) days from the date of service to file objections. Objections were filed by Plaintiff on May 12, 2010, to which Defendant filed a Response on June 4, 2010.

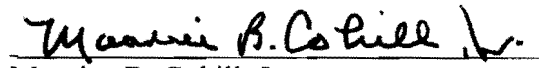
We have reviewed Plaintiff's objections, and see no error in the Magistrate Judge's recommendation. The Magistrate Judge recommended that Defendant's motion for summary judgment be granted because the evidence of record shows that Mr. Fedimore cannot establish that Dr. Longstreet was deliberately indifferent to Mr. Fedimore's serious medical needs. We agree that summary judgment in favor of Defendant is appropriate.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, and the objections thereto, the following order is entered:

AND NOW, this 14th day of June, 2010, it is hereby ORDERED, ADJUDGED, and DECREED that Defendant's Motion for Summary Judgment (Doc. 100) be and hereby is GRANTED. Summary judgment is granted in favor of Defendant and against Plaintiff.

The report and recommendation of Magistrate Judge Baxter, filed on April 21, 2010, (Doc. 114) is adopted as the Opinion of the Court

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (Doc. 109) be and hereby is DENIED.


Maurice B. Cohill, Jr.
Senior United States District Judge

cc: Anthony Fedimore
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counsel of record